

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: SAMAIN, Eric et al.
Title: METHOD FOR PRODUCING OLIGOPOLYSACCHARIDES
Application No.: 10/019,954
Filing Date: 5/24/2002
Examiner: Rebecca E. Prouty
Art Unit: 1652
Confirmation No.: 6242

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance to 37 C.F.R. § 1.133, submitted herewith is a statement of the substance of the interview held on August 14, 2008, between the undersigned and Examiners Rebecca E. Prouty and Jean Witz, regarding the above-captioned application. This statement is being submitted within one (1) month of the mailing of the Interview Summary on August 15, 2008 and is therefore timely filed.

In the interview, Applicants provided a slide presentation describing the invention and the prior art. The current 103 rejection was discussed. The examiners indicated that in view of the evidence regarding the publication date and the submission of a translation of the priority document the rejection will likely be withdrawn as Bettler is no longer prior art. Applicants indicated that the priority document may not provide support for certain species in claim 7. The examiners indicated that the search would need to be updated. Also discussed was whether lactose killing would have been expected to be a problem in the instant invention, as explained in a Rule 132 Declaration filed July 8, 2008. The examiners agreed that the obviousness-type double patenting rejections currently on the record are provisional

rejections that could be withdrawn at allowance as the instant application has the earliest effective date.

Respectfully submitted,

Date 28 August 2008

By 

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**The Commissioner is hereby authorized to
charge any deficiency or credit any over-
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